

**JOINT LEGISLATIVE COMMISSION
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE
GENERAL ASSEMBLY
OF NORTH CAROLINA**

Town of Rimertown

March 25, 1999

REPORT TO THE GENERAL ASSEMBLY
PROPOSED INCORPORATION OF THE
TOWN OF RIMERTOWN
MARCH 25, 1998⁹

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The criteria includes specifics as to community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

During the current review cycle, the Commission on October 8, 1998 received a petition proposing the incorporation of the Town of Rimertown in Cabarrus County. A copy of the petition is attached as Appendix C.

Upon receiving the petition, the Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-161. The Division made the evaluation (a copy of which is attached as Appendix D), and based on that evaluation, the Commission on January 28, 1999 found that the preliminary requirements of G.S. 120-163 and G.S. 120-164 had been met.

The Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-167 through G.S. 120-170 upon the receipt of resolutions from the Cities of Concord and Kannapolis expressing approval for the incorporation of the Town of Rimertown. After receiving the resolutions, the Division made the evaluation (a copy of which is attached as Appendix E), and found that the statutory requirements had been met, except G.S. 120-168, "Additional criteria; development". The Division found that 18 percent of the subject area rather than the 40 percent required in the statute is developed.

On March 19, 1999, the Commission held a public hearing on the incorporation of Rimerton in Midland, North Carolina. Six persons spoke in favor of incorporation and six spoke in opposition.

The Commission finds that the proposed Town of Rimertown does not meet the standards required by Article 20 of Chapter 160A of the General Statutes, and therefore does not recommend the incorporation of the area as the Town of Rimertown. The Commission requests that the Division of Community Assistance

of the Department of Commerce review the petition submitted by the proposed Town of Rimertown to determine: (1) what is the appropriate standard for development under G.S. 120-168 given the fact that the petition was submitted prior to November 1, 1998; and (2) what is the level of development using the standard that was in effect prior to November 1, 1998. The Commission further finds that if, using the standard in effect prior to November 1, 1998, the subject area was at least 40 percent developed, the Commission would have found that the proposed Town met the standards required by Article 20 of Chapter 160A of the General Statutes.

APPENDIX A

JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS

1997-1999
Membership

Pro Tem's Appointments

The Honorable Wib Gulley
PO Box 3573
Durham, NC 27702

The Honorable Fletcher L. Hartsell, Jr.
PO Box 368
Concord, NC 28026

Mr. Ronald R. Kimble, Manager
City of Greenville
PO Box 7207
Greenville, NC 27835

Staff

Gerry Cohen
Bill Drafting Division
(919) 733-6660

Gayle Moses
Bill Drafting Division
(919) 733-6660

Speaker's Appointments

The Honorable Cary D. Allred
4307 Sartin Road
Burlington, NC 27217

The Honorable J. Samuel Ellis
3513 Auburn-Knightdale Road
Raleigh, NC 27610

Mr. Jerry Ayscue
Vance County Manager
Vance County Courthouse
Young Street
Henderson, NC 27536

Clerk

Carol Resar
408 LOB
(919) 715-3036

APPENDIX B

ARTICLE 20.

Joint Legislative Commission on Municipal Incorporations.

Part 1. Organization.

§ 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

- (1) Two Senators appointed by the President Pro Tempore of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

§120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

§120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be

provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

§120-162. Reserved for future codification purposes.

PART 2. Procedure for Incorporation Review.

§120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

§120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

§120-165. Initial inquiry.

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

***** § 120-166. Additional criteria; nearness to another municipality.**

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by

the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;

- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

*** The 1998 amendment, effective November 1, 1998, rewrote subdivision (b)(3), which formerly read "The nearby municipality by resolution expresses its approval of the incorporation; or". The amendment is applicable to annexations for which the resolution of intent is adopted on or after November 1, 1998, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that effective date.

\$120-167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100.

\$120-168. Additional criteria; development.

Except when the entire proposed municipality is within two miles of the Atlantic Ocean, Albemarle Sound, or Pamlico Sound, the Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

\$120-169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).

*** § 120-169.1. Additional criteria; level of development, services.

(a) Level of Development. -- The Commission may not make a positive recommendation unless the entire area proposed for incorporation meets the applicable criteria for development under G.S. 160A-36(c) or G.S. 160A-48(c).

(b) Services. -- The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. To meet the requirements of this subsection, the persons submitting the plan for incorporation must propose to provide at least two of the following services:

- (1) Police protection.
- (2) Fire protection.
- (3) Garbage and refuse collection or disposal.
- (4) Water distribution.
- (5) Sewer collection or disposal.
- (6) Street maintenance, construction, or right-of-way acquisition.
- (7) Street lighting.
- (8) Adoption of citywide planning and zoning.

*** This section becomes effective November 1, 1998, is applicable to annexations for which the resolution of intent is adopted on or after that date, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that date.

§120-170. Findings as to services.

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

§120-171. Procedures if findings made.

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along

with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

\$120-172. Referendum.

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.

\$120-173. Modification of petition.

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

\$120-174. Deadline for recommendations.

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition.

\$120-175 through 120-179: Reserved for future codification purposes.

TOWN OF RIMERTOWN

“PRESERVING THE
PAST...

EMBRACING THE
FUTURE.”

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Rimertown, NC

Rationale and Objectives

- 1 It is this community's desire to preserve its identity as a historically rural area which dates back to the 1800's and is proud of its heritage of caring for its local residents and the surrounding area.
- 2 The rapid growth of Cabarrus County is now approaching our community and we feel that this dictates the necessity of a means of assuring the orderly growth this area needs to maintain its rural, agricultural and family oriented flavor. Our intentions are not to stop growth, but to insure that the growth is compatible with our existing community.
- 3 The dynamic needs of this locale require a means of planning for and dealing with such circumstances as they arrive. Who is better suited to deal with these decisions than the very people affected by them? People deserve and have a right to decide their own destiny. Most of our residents have served their county, state and country and have deep personal reasons to assure that this community is preserved.
- 4 Our residents do not wish to join with or be annexed to any close municipality. Many could not afford the higher property tax this annexation would place upon them. Overcrowding of schools in Cabarrus County is a problem with no current solution. Our smaller roads with hills and curves would not easily absorb increased traffic.
- 5 This area includes individuals of many backgrounds and talents. Our roots go deep. A number of these individuals have studied this area and its needs in depth and we agree the incorporation of this community, as an independent municipality, is not only appropriate, but also a necessity. This concept has been discussed as long as thirty-five years ago, but until recently the urgency has not been as great.
- 6 As this concept has been discussed locally, we are positive that a majority of the population of Rimertown is solidly for making this area officially and legally incorporated.

In a beautiful area of Cabarrus County of rolling green land, stately trees and clear waters, many German and Dutch Irish settled. In an official documentation from Arthur Dobbs, colonial governor of N. C. from 1754 to 1756 he reports on his lands, "22 families of German or Swiss have settled" in the region by the late 1740 and many lived near Dutch Buffalo Creek, which is a border for our new town.

People moving into this new area by way of the Great Wagon Road, came because of economic, and religious opportunities. They traveled this long and difficult road in horse drawn wagons and buggies. In 1796 Nicholas Rimer (of Rowan County) purchased 300 acres of land across the county line in Cabarrus County for 200 pounds. The 300 acres are located on the waters of Dutch Buffalows Creek, a branch (Jenny Wolf Creek) and forms a square which includes Cattail Branch. Thus came the name of this community. According to the history of Cross of Christ Lutheran Church (formerly Prosperity Lutheran Church), many were farmers, but there were artisans and craftsmen of great ability. They were industrious and honest, thrifty and economical, intelligent and determined. They brought with them a definite religious heritage.

According to the 1890 tax scroll of Township 6 of Cabarrus County, approximately 60 names were listed as property owners. The proposed Town of Rimertown still has many names and families living here. Names such as Barrier, Beaver, Blackwelder, Bonds, Boger, Bost, Cruse, Cress, Cline, Corl, Drye, Fisher, Faggart, Goodman, Kluttz, Lentz, Moose, Rimer, Sifford, Safrin, Troutman, Yost.

During the development of this thriving community, and at various times, the residents had a school (Rimer and Cline School), two and sometimes 4 stores, a post office, a molasses "pan" mill, saw mill, cotton gins (2), and several blacksmith shops, two semi-professional ball teams, a meat processing plant, a manufacturing plant, an outdoor movie theater, an auto salvage facility, a cattle sale barn, a summer camp for young boys and girls, 4-H Clubs, Boy Scouts, Extension Homemakers, a Fire Department, a ball field and many home based adventures. A church was established of the Lutheran faith, with the first service held the second Sunday of October 1879, and the frame of the first structure was erected January 26, 1881. Charter members were Fishers, Rimers, Safrits, Lentzs, Faggarts, and Kimballs. Recreational opportunities often included quilting, corn shuckings, playing ball, making apple cider, square dances or string music held at individual homes.

This rich heritage and roots do go deep into the soil and the community does desire to preserve its identity and historically rural area in a compatible growth that exists in the community of Rimertown, today.

CHARTER OF TOWN OF RIMERTOWN

CHAPTER I.

INCORPORATION AND CORPORATE POWERS.

Section 1-1. **Incorporation and Corporate Powers.** The inhabitants of the town of Rimertown, which area is described in Section 2.1 of this Charter, are a body corporate and politic under the name "**Town of Rimertown.**" Under that name they have all the powers, duties, rights, privileges and immunities conferred and imposed on cities by the general law of North Carolina.

CHAPTER II.

CORPORATE BOUNDARIES

Section 2-1. **Town boundaries.** Until modified in accordance with the law, the boundaries of the town of **Rimertown** are as follows:

BEGINNING at a point in the centerline of Gold Hill Road (SR 2408) due south of the centerline of Rimer Road (SR 2429), thence in a east northeast direction to the intersection of the centerline of Gold Hill Road (SR 2408) and Cline School Road (SR 2427), thence in a northeasterly direction to a point approximately 697 feet northeast of the centerline of Jennie Wolf Creek, being the northeast corner of property described by Cabarrus County Tax Maps as Map/PIN 5662-47-1320.

Continuing in a northwest direction along the northern property line of Map/PIN 5662-47-1320 for approximately 815.83 feet, crossing Jennie Wolfe Creek at approximately 500 feet, thence in a northeasterly direction for approximately 300 feet to the centerline of Jennie Wolfe Creek. Thence continuing in a west-northwest direction along Jennie Wolfe Creek, the creek being showed property lines with the following Map/PINs 5662-37-0824 and 5662-38-8375, 5662-29-9245 and 5662-48-2832 and 5662-49-6146, 5663-21-5019 and 5662-49-6146, 5662-49-8551, to the northern most point in Map/PIN 5662-59-2563 in the centerline of Jennie Wolfe Creek, thence in a southeast direction to the southernmost point in Map/PIN 5663-32-4457. Thence in a northeast direction along the eastern boundaries of Map/PINs 5663-32-4457, 5663-23-6175, 5663-34-2252 and 5663-26-4073 to the southeast corner of Map/PIN 5663-26-4073, thence in a northwest direction from that corner to a point in the centerline of Jennie Wolfe Creek, continuing with the centerline of Jennie Wolfe Creek in a northeast direction to the centerline of Kluttz Road (SR 2435).

Continuing in a southwest direction with Kluttz Road (SR 2435) for approximately 100 feet to the southeast corner of Map/PIN 5663-46-6452, thence in a northerly direction to the northeast corner of Map/PIN 5663-46-6452. Thence in a northwest direction to the northernmost corner of Map/PIN 5663-46-0501, thence in a southerly direction along the western line of Map/PIN 5663-46-0501 to a point in the centerline of Kluttz Road (SR 2435), thence with the centerline of Kluttz Road (SR 2435) for a distance of approximately 513 feet to a 15 foot wide portion of Map/PIN 5663-45-2340, crossing that portion to the corner of a portion of Map/PIN 5663-26-8734, thence in a line parallel to the 15 foot portion of Map/PIN 5663-26-8734 for a length of approximately 200 feet in a southeasterly direction, thence in a southwesterly direction for a distance of

approximately 200 feet, thence in a northwesterly direction for approximately 220 feet to the centerline of Kluttz Road (SR 2435).

Continuing from that point in the centerline of Kluttz Road (SR 2435) in a northwesterly direction along the northeast property line of Map/PIN 5663-26-4073, passing through a line shared with Map/PIN 5663-16-9741 to a point in the eastern property line of Map/PIN 5663-07-9409, thence in a northeasterly direction with the property line of Map/PIN 5663-07-9409 to a point in the property line of Map/PIN 5663-19-7038. Thence with a line shared by Map/PINs 5663-19-7038, 5663-26-8734, 5663-39-3485, 5663-26-8734, and 5663-28-9179 to the point of Map/PIN 5663-28-9179 in Sisk-Carter Road (SR 2434), thence in a southwesterly direction following the eastern line of a portion of Map/PIN 5663-93-3485 south of Sisk-Carter Road (SR 2434) for approximately 500 feet, thence with the southern line of Map/PIN 5663-93-3485 to the easternmost corner of Map/PIN 5663-58-1098 south of Sisk-Carter Road (SR 2434), thence in a northeasterly direction along the eastern line of Map/PIN 5663-49-4299 for approximately 392 feet to the center of Sisk-Carter Road (SR 2434), continuing in that northeasterly direction 863 feet to the northeast corner of Map/PIN 5663-49-4299.

From that point continuing along a northwest line along the rear property lines of Map/PINs 5663-49-4299 and 5663-49-1428 to a point in Map/PIN 5663-39-9608 approximately 20 feet northwest of the corner shared by Map/PINs 5663-49-1428 and 5663-39-9608, thence in a northerly direction to the northeast corner of Map/PIN 5663-39-9608, thence in an easterly direction with a line shared by Map/PINs 5663-39-9608, 5663-39-4931, 5664-20-6147 and 5664-20-0783 to the centerline of an unnamed dirt road, thence following the northern line of Map/PINs 5664-20-2270, 5664-10-5149 and 5664-00-7187 to the centerline of Rimer Road (SR 2429).

Continuing with the centerline of Rimer Road (SR 2429) in a southerly direction to the western edge of Map/PIN 5653-99-9111, thence in a line shared by Map/PINs 5653-99-9111 and 5653-98-7998 to the northernmost point of Map/PIN 5653-98-7998, thence with the line of Map/PIN 5653-98-7998 for 5 calls to the centerline of Rimer Road (SR 2429), thence with the center of Rimer Road (SR 2429) to the easternmost point of Map/PIN 5653-98-4817, thence with the line of Map/PIN 5653-98-4817 in a northwesterly direction to the eastern line of Map/PIN 5653-88-7937, thence in a northeasterly line of Map/PIN 5653-88-7937 to the easternmost corner of the property, thence in a northwestern direction within the northern lines of Map/PINs 5653-88-7937 and 5653-89-4038 to the northwest corner of Map/PIN 5653-89-4038, thence in a southwestern direction with the line shared by Map/PINs 5653-89-4038 and 5653-79-2735 to the northeast corner of Map/PIN 5653-89-1039, thence in a northeastern direction along the northern lines of Map/PINs 5653-89-1039 and 5653-79-7047 to the northwest corner of Map/PIN 5653-79-7047, thence in a southwesterly direction with the western line of Map/PIN 5653-79-7047 to the centerline of Phaniels Church Road (SR 2433).

Thence with the centerline of Phaniels Church Road (SR 2433) to a point where a 45' private right-of-way adjoins Phaniels Church Road (SR 2433) on the southern side of the road, thence with the 45' private right-of-way in a southern and western direction to the southwest corner of Map/PIN 5653-59-8350, thence in a northeasterly direction with the eastern line of Map/PIN 5653-59-8350 for a distance of approximately 398 feet to the centerline of Phaniels Church Road (SR 2433), thence returning in a southeasterly direction with the centerline of Phaniels Church Road (SR 2433) to the southeast corner

of Map/PIN 5653-69-3781, thence in a northeastern direction to the northeast corner of Map/PIN 5653-69-3781, thence in a northwestern direction with the northern line of Map/PIN 5653-69-3781 to the eastern line of Map/PIN 5654-80-0109, thence in a northwestern direction with the line of Map/PIN 5654-80-0109 to the northeast corner of Map/PIN 5654-80-0109, thence in a northwestern direction to the northwest corner of Map/PIN 5654-80-0109, thence in a northeast direction with the line of Map/PIN 5654-50-6844 to the Rowan/Cabarrus County line, thence with the Rowan/Cabarrus County line to the centerline of Phaniels Church Road (SR 2433), continuing with the Rowan/Cabarrus County line to the northwest corner of Map/PIN 5654-40-2963, thence with the line shared by Map/PINs 5654-40-2963 and 5654-40-8423 to the southwest corner of Map/PIN 5654-40-8423, thence with the western line of Map/PIN 5653-27-1609 for a distance of approximately 370 feet, thence in a southwestern direction on a line shared by Map/PINs 5653-39-9318 and 5653-39-6273 for approximately 915 feet to the northeast corner of Map/PIN 5653-39-6273, thence in a southeasterly direction for approximately 109 feet to a point in Map/PIN 5653-39-6273, thence in a southwesterly direction with the western lines of Map/PINs 5653-39-6273 and 5653-38-3602 to the centerline of Pless Road (SR 2432).

Continuing in a easterly direction with the centerline of Pless Road (SR 2432) to the western edge of Map/PIN 5653-37-6074, thence with the property line of Map/PIN 5653-37-6074 three different lines to the easternmost point of Map/PIN 5653-37-3965, thence in a westerly line with the southern line of Map/PIN 5653-37-6074 in a westerly direction to the westernmost part of Map/PIN 5653-37-6074, thence in a southeasterly direction with the line of Map/PIN 5653-37-6074 for approximately 100 feet to the northwestern corner of Map/PIN 5653-35-9469, thence in a southerly direction with the line of Map/PIN 5653-35-9469 to the centerline of Dutch Buffalo Creek, thence with the centerline of Dutch Buffalo Creek in a southerly direction with the centerline of Dutch Buffalo Creek being the western property lines with these Map/PINs 5653-35-9469, 5653-34-4556, 5653-32-4327, 5653-41-4938, 5653-40-5907, 5653-30-5169, 5652-39-6735, 5652-39-6374, 5652-39-6060, and 5652-37-6977 to the southeast corner of Map/PIN 5652-37-6977, thence with the southern line of Map/PIN 5652-37-6977 for a distance of approximately 1713 feet to a corner shared by Map/PIN 5652-37-6977 and Map/PIN 5652-46-2268.

Continuing in a southeasterly direction with the line shared by Map/PINs 5652-46-2268 and 5652-65-1952 to the easternmost point of Map/PIN 5652-46-2268, thence in a westerly direction with the line of Map/PIN 5652-46-2268 to a point shared by the southwest corner of Map/PIN 5652-46-2268 and the southwest corner of Map/PIN 5652-56-3192, thence in an easterly direction with the northern line of Map/PIN 5652-44-5766 to the northeast corner of Map/PIN 5652-44-5766, thence in a southwesterly direction with the western property lines of Map/PINs 5652-55-2303, 5652-43-9631, and 5652-54-3175 to the centerline of Gold Hill Road (SR 2408) to the point of BEGINNING.

CHAPTER III.

GOVERNING BODY

Section 3-1. Structure of Governing Body. Number of members; the governing body of the Town of Rimertown is the Town Council, which has four (4) members and the Mayor.

Section 3-2. **Temporary Officers.** Until the initial elections of 1999 provided for by section 4-1 of this charter, Terry D. Barbee, Clyde M. Drye, Jr., and Steve R. Love are hereby appointed members of the interim town council. They shall jointly pose and may exercise the powers granted to the governing board until their successors are elected or appointed and qualify pursuant to this Charter.

Section 3-3. **Manner of Electing Town Council; Term of Office.** The qualified voters of the entire town shall elect the members of the Town Council. Except as provided by this section, members are elected to a four-year term of office. In 1999, the two candidates receiving the highest number of votes are elected to a four-year term and the two candidates receiving the next highest number of votes are elected to a two-year term. These terms will be effective as of the first Town Council meeting in January of 2000. In 2002 and each two years thereafter, two members are elected for a four-year term.

Section 3-4 **Manner of Electing Mayor; Term of Office.** The qualified voters of the entire Town shall elect the Mayor. The Mayor shall be elected in 1999 and each four (4) years thereafter for a four-year term. The initial term shall be effective as of the first Town Council meeting in January of 2000.

CHAPTER IV. ELECTIONS.

Section 4-1. **Conduct of Town Elections.** Town officers shall be elected on a nonpartisan basis and results determined by a plurality as provided in North Carolina General Statute 163-292.

CHAPTER V. ADMINISTRATION.

Section 5-1. **Town to Operate Under Mayor-Council Plan.** The Town of Rimertown will operate under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the North Carolina General Statutes.

Section 5-2. **Revenue.** From and after the effective date of this act, the citizens and property in the **Town of Rimertown** shall be subject to municipal taxes levied for the year beginning July 1, 1999. For that purpose the Town shall obtain from Cabarrus County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1999. The Town may adopt a budget ordinance for fiscal year 1999-2000 without following the timetable in the Local

Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 1999-2000, ad valorem taxes may be paid at par or face amount within ninety (90) days of adoption of the budget ordinance, and thereafter in accordance with the schedule in N.C.G.S. 105-360. If this act is ratified before July 1, 1999, the Town may adopt a budget ordinance for fiscal year 1999-2000 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical.

Proposed Incorporation Area of Rimertown



Prepared by Cabernus County GIS

October 28, 1996

This map is prepared for the inventory of real property found within the jurisdiction and is compiled from recorded deeds, plats and other public records and data. Users of this map are hereby notified that the above-stated public primary information sources should be consulted for verification of the information contained on this map. Cabernus County assumes no legal responsibility for the information contained on this map.

Proposed Incorporation Area of Rimertown



Prepared by Cabernus County GIS

October 28, 1998



This map is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. Cabernus County assumes no legal responsibility for the information contained on this map.

**STATEMENT OF STATISTICS
TOWN OF RIMERTOWN**

	<u>Acres</u>	<u>Percentage</u>
Total residential:	1175.86	32.75
Total Commercial/Industrial:	216.67	6.03
Total Agricultural/Open:	2130.13	59.32
Total Institutional:	68.28	1.90
Other:	_____	_____
Total Acres:	3590.94	

Estimated Population:	417
Population Density:	.116 people per acre
Total Number of Dwellings:	167

Property Valuation

Property Type	Property Value	Tax Value*
Real Estate	\$25,349,200.00	\$6337.30
Automobiles	\$ 4,135,286.30	\$1033.82+

*Tax value is based on .025 cents per \$100.00 valuation.

+Automobile estimation is based on Rimer Volunteer Fire District having an automobile valuation of \$11,910,387.00 and the proposed Rimertown corporate limit is 34.72% of said district.

STATEMENT OF SERVICES TOWN OF RIMERTOWN

Since so many of the essential core services are provided through the county system, Rimertown, at least initially, until a taxing/revenue base is stabilized, plans to limit additional services. This is clearly the desire of a majority of the residents of this community. Soon after incorporation, attention will be devoted to establishing a Planning Board to begin the process of developing our own zoning ordinances. This is in response to citizen concerns over the pace of development in the area with its effects on traffic, infrastructure demands, and other quality-of-life issues.



Cabarrus County Sheriff's Department

Robert M. Canaday, Sheriff

30 March, 1998

Mr. Rusty Drye
5100 Merle Road
Concord, NC 28025

Dear Mr. Drye:

This letter is in response to your inquiry regarding law enforcement coverage for the Rimertown Community should the incorporation efforts go forward.

If the incorporation takes place the law enforcement coverage for the area provided by the Sheriff's Department would remain the same as it is now with no decrease in coverage because of the incorporation.

If at some time the town should elect to form a police department I would be glad to assist in assessing the need for that move and the possibilities of entering into a contractual arrangement with the town (under the same arrangements as I currently have with Mt. Pleasant and Harrisburg) to provide additional law enforcement coverage if it is deemed necessary by the town government.

Unless things change drastically I would not predict an immediate need for higher levels of law enforcement services for the proposed incorporated area.

I hope this letter meets your needs and if I can do anything further to assist you please do not hesitate to call on me.

Sincerely

A handwritten signature in black ink, appearing to read "Robert M. Canaday", written over a horizontal line.

Robert M. Canaday
Sheriff

STATE OF NORTH CAROLINA

COUNTY OF CABAERUS

Before me, the undersigned authority, personally appeared Ruby F. Aldridge who, being by me first duly sworn, on oath, deposed and says:

That the affiant is Chairman of the County Board of Elections of Cabarrus County, North Carolina, and that the Affiant has checked the herein attached signatures of petitioners against the registration books of Cabarrus County, North Carolina, and 68 (number) names have been found by the Affiant to be registered voters in the proposed incorporation of the town of Rimertown, NC and qualified voters of said proposed incorporation of the town of Rimertown, NC; that the Affiant has placed a check mark on the petition by the names of persons who are duly qualified and registered voters in said proposed incorporation of the town of Rimertown, NC.

The total qualified registered voters on our registration rolls in said county in the area proposed incorporation of the town of Rimertown, NC is 387.

Ruby F. Aldridge
Affiant

Sworn and subscribed before me, this 2 day of October, 1998.

Linda C. Grest
Notary Public

My Commission Expires: February 27, 2002



STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

Before me, the undersigned authority, personally appeared Ruby F. Aldridge who, being by me first duly sworn, on oath, deposed and says:

That the affiant is Chairman of the County Board of Elections of Cabarrus County, North Carolina, and that the Affiant has checked the herein attached signatures of petitioners against the registration books of Cabarrus County, North Carolina, and 18 (number) names have been found by the Affiant to be registered voters in the proposed incorporation of the town of Rimertown, NC and qualified voters of said proposed incorporation of the town of Rimertown, NC; that the Affiant has placed a check mark on the petition by the names of persons who are duly qualified and registered voters in said proposed incorporation of the town of Rimertown, NC.

The total qualified registered voters on our registration rolls in said county in the area proposed incorporation of the town of Rimertown, NC is 387.

Ruby F. Aldridge
Affiant

Sworn and subscribed before me, this 7 day of October, 1998.

Budi O. Just
Notary Public

My Commission Expires: February 27, 2002



STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

Before me, the undersigned authority, personally appeared Ruby F. Aldridge who, being by me first duly sworn, on oath, deposed and says:

That the affiant is Chairman of the County Board of Elections of Cabarrus County, North Carolina, and that the Affiant has checked the herein attached signatures of petitioners against the registration books of Cabarrus County, North Carolina, and 15 (number) names have been found by the Affiant to be registered voters in the proposed incorporation of the town of Rimertown, NC and qualified voters of said proposed incorporation of the town of Rimertown, NC; that the Affiant has placed a check mark on the petition by the names of persons who are duly qualified and registered voters in said proposed incorporation of the town of Rimertown, NC.

The total qualified registered voters on our registration rolls in said county in the area proposed incorporation of the town of Rimertown, NC is 389.

Ruby F. Aldridge
Affiant

Sworn and subscribed before me, this 13 day of October, 1998.

Linda C. Orest
Notary Public

My Commission Expires: February 27, 2002



STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

Before me, the undersigned authority, personally appeared Ruby F. Aldridge who, being by me first duly sworn, on oath, deposed and says:

That the affiant is Chairman of the County Board of Elections of Cabarrus County, North Carolina, and that the Affiant has checked the herein attached signatures of petitioners against the registration books of Cabarrus County, North Carolina, and 3 (number) names have been found by the Affiant to be registered voters in the proposed incorporation of the town of Rimertown, NC and qualified voters of said proposed incorporation of the town of Rimertown, NC; that the Affiant has placed a check mark on the petition by the names of persons who are duly qualified and registered voters in said proposed incorporation of the town of Rimertown, NC.

The total qualified registered voters on our registration rolls in said county in the area proposed incorporation of the town of Rimertown, NC is 389.

Ruby F. Aldridge
Affiant

Sworn and subscribed before me, this 16 day of October, 1998.

Yvonne Orest
Notary Public

My Commission Expires: February 27, 2002



STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

Before me, the undersigned authority, personally appeared Ruby F. Aldridge who, being by me first duly sworn, on oath, deposed and says:

That the affiant is Chairman of the County Board of Elections of Cabarrus County, North Carolina, and that the Affiant has checked the herein attached signatures of petitioners against the registration books of Cabarrus County, North Carolina, and 4 (number) names have been found by the Affiant to be registered voters in the proposed incorporation of the town of Rimertown, NC and qualified voters of said proposed incorporation of the town of Rimertown, NC; that the Affiant has placed a check mark on the petition by the names of persons who are duly qualified and registered voters in said proposed incorporation of the town of Rimertown, NC.

The total qualified registered voters on our registration rolls in said county in the area proposed incorporation of the town of Rimertown, NC is 389.

Ruby F. Aldridge
Affiant

Sworn and subscribed before me, this 16 day of October, 1998.

Jada P. Trust
Notary Public

My Commission Expires: February 27, 2002



STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

Before me, the undersigned authority, personally appeared Ruby F. Aldridge who, being by me first duly sworn, on oath, deposed and says:

That the affiant is Chairman of the County Board of Elections of Cabarrus County, North Carolina, and that the Affiant has checked the herein attached signatures of petitioners against the registration books of Cabarrus County, North Carolina, and 12 (number) names have been found by the Affiant to be registered voters in the proposed incorporation of the town of Rimertown, NC and qualified voters of said proposed incorporation of the town of Rimertown, NC; that the Affiant has placed a check mark on the petition by the names of persons who are duly qualified and registered voters in said proposed incorporation of the town of Rimertown, NC.

The total qualified registered voters on our registration rolls in said county in the area proposed incorporation of the town of Rimertown, NC is 389.

Ruby F. Aldridge
Affiant

Sworn and subscribed before me, this 31 day of October, 1998.

Lyndie C. Grest
Notary Public

My Commission Expires: February 27, 2002

NORTH CAROLINA
CABARRUS COUNTY

NOTICE

Notice is hereby given that a petition will be presented to Joint Legislative Committee on Municipal Incorporation for the Incorporation of the Town of Rimerstown.

No. 648
Oct. 5, 12, 19, 1998

On this, the 19th day of Oct 19 98

James C. Hume
of THE INDEPENDENT TRIBUNE, Inc., after being duly sworn, says that the annexed advertisement was duly inserted in the paper on the following dates:

Oct 5, 12, 19, 1998
and was published therein once a week for 3

weeks. The total cost of this advertisement \$ 27.08

James C. Hume
Subscribed and sworn to the day above first mentioned.

My Commission Expires 5-25-99

NORTH CAROLINA
CABARRUS COUNTY

On this, the 26th day of Oct 1998

Michelle Jones

of THE INDEPENDENT TRIBUNE, Inc., after being duly sworn, says that the annexed advertisement was duly inserted in the paper on the following dates:

Oct. 26, 1998

NOTICE

Notice is hereby given that a petition will be presented to Joint Legislative Committee on Municipal Incorporation for the incorporation of the Town of Rietown

NO. 648
Oct. 26, 1998

and was published therein once a week for 1

weeks. The total cost of this advertisement \$ 10.15

Michelle Jones

Subscribed and sworn to the day above first mentioned.

James O. Harris

My Commission Expires 5-25-99



RESOLUTION

WHEREAS, representatives of the Rimer community association have informed the Town of Harrisburg Town Council that citizens of that community wish to incorporate the Rimertown area to include those individuals residing within the boundaries as outlined on the attached map; and

WHEREAS, under current North Carolina law, a town may be incorporated only by act of the North Carolina General Assembly subsequent to the review and recommendation by the Joint Legislative Commission on Municipal Incorporations; and

WHEREAS, North Carolina General Statute 120-163 outlines the procedures that a community must follow in its efforts to incorporate, specifically a petition signed by 15 percent of the registered voters of the area proposed to be incorporated and verified by the Cabarrus County Board of Elections; and

WHEREAS, North Carolina General Statute 129-163 further requires that the petition must include a proposed name for the city, a map of the city a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density and recommendations as to the form of government and manner of election; and

WHEREAS, the citizens of the Rimer community are aware of the process for incorporation and have stated they plan to submit the required petition and other necessary information to the North Carolina General Assembly for consideration during the 1999 Legislative Session.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of The Town of Harrisburg support the rights of the citizens of the Rimer community to pursue the incorporation of Rimertown through the process set forth by North Carolina General Statutes.

Adopted this 14th day of September, 1998.

Carl L. Parmer, Mayor

Linda B. Kee, Town Clerk

"Working Together For A Successful Future"



TOWN OF MOUNT PLEASANT

P. O. BOX 787
MOUNT PLEASANT, NORTH CAROLINA 28124

L. Scott Barringer
Mayor

Phone (704) 436-9803
Fax (704) 436-2921

RESOLUTION

WHEREAS, representatives of the Rimer community association have informed the Mount Pleasant Board of Commissioners that citizens of that community wish to incorporate the Rimertown area to include those individuals residing within the boundaries as outlined on the attached map; and

WHEREAS, under current North Carolina law, a town may be incorporated only by act of the North Carolina General Assembly subsequent to the review and recommendation by the Joint Legislative Commission on Municipal Incorporations; and

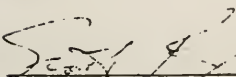
WHEREAS, North Carolina General Statute 120-163 outlines the procedures that a community must follow in its efforts to incorporate, specifically a petition signed by 15 percent of the registered voters of the area proposed to be incorporated and verified by the Cabarrus County Board of Elections; and

WHEREAS, North Carolina General Statute 120-163 further requires that the petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density and recommendations as to the form of government and manner of election; and

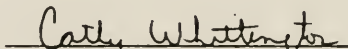
WHEREAS, the citizens of the Rimer community are aware of the process for incorporation and have stated they plan to submit the required petition and other necessary information to the North Carolina General Assembly for consideration during the 1999 Legislative Session.

NOW, THEREFORE, BE IT RESOLVED that the Mount Pleasant Board of Commissioners support the rights of the citizens of the Rimer community to pursue the incorporation of Rimertown through the process set forth by North Carolina General Statutes.

Adopted this 31 day of August, 1998.



Scott Barringer, Mayor



Cathy Whittington, Town Clerk

RESOLUTION

WHEREAS, representatives of the Rimer community association have informed the Cabarrus County Board of Commissioners that citizens of that community wish to incorporate the Rimertown area to include those individuals residing within the boundaries as outlined on the attached map; and

WHEREAS, under current North Carolina law, a town may be incorporated only by act of the North Carolina General Assembly subsequent to the review and recommendation by the Joint Legislative Commission on Municipal Incorporations; and


WHEREAS, North Carolina General Statute 120-163 outlines the procedures that a community must follow in its efforts to incorporate, specifically a petition signed by 15 percent of the registered voters of the area proposed to be incorporated and verified by the Cabarrus County Board of Elections; and

WHEREAS, North Carolina General Statute 120-163 further requires that the petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density and recommendations as to the form of government and manner of election; and


WHEREAS, the citizens of the Rimer community are aware of the process for incorporation and have stated they plan to submit the required petition and other necessary information to the North Carolina General Assembly for consideration during the 1999 Legislative Session.

NOW, THEREFORE, BE IT RESOLVED that the Cabarrus County Board of Commissioners supports the rights of the citizens of the Rimer community to pursue the incorporation of Rimertown through the process set forth by North Carolina General Statutes.

Adopted this the 20th day of April, 1998.


Sue Casper, Chair
Cabarrus County Board of Commissioners

ATTEST:


Frankie F. Bonds, Clerk to the Board

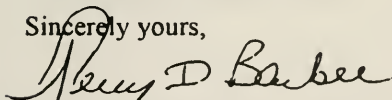
September 29, 1998

The Committee to Incorporate Rimertown
C/O Terry D. Barbee
5310 Ruff Rd.
Concord, NC 28025-7392

To the towns of China Grove, Landis, Granite Quarry, Rockwell and Faith,
NC

In accordance with North Carolina General Statutes 120-163, we as a community wishing to petition for incorporation are required to notify you of this action. No official action is required on your part other than to acknowledge the receipt of this notice. I am enclosing a form to fulfill this requirement.

Sincerely yours,

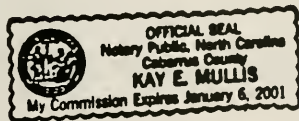
A handwritten signature in black ink, appearing to read "Terry D. Barbee". The signature is fluid and cursive, with the first name "Terry" and last name "Barbee" clearly distinguishable.

Terry D. Barbee
Interim government member
Rimertown, NC

I, Joseph E. Sloop, mayor of the Town of
China Grove
Granite Quarry, have received notice of the petition to incorporate
Rimertown on the 1st day of October, 1998. This notice is in
accordance with N.C.G.S. 120-163.

Joseph E. Sloop

Signed before me this the 1st of October, 1998.



Kay E. Mullis
My Commission expires January 6, 2001.

I, BOBBY O. WOOD, TOWN CLERK of the Town of
Landis, have received notice of the petition to incorporate
Rimertown on the 1st day of OCTOBER, 1998. This notice is in
accordance with N.C.G.S. 120-163.

Bobby O. Wood

Signed before me this the
1st day of October, 1998.

Debbie B Goodman

Notary

my commission expires 11-3-2000

I, Ann L. Sessom, Town Clerk/Administrator of the Town of
Granite Quarry, have received notice of the petition to incorporate
Rimertown on the 5th day of October, 1998. This notice is in
accordance with N.C.G.S. 120-163.

Ann L. Sessom

Richard S. Perkins
Mayor

I, Anne G. Moten, cmc, clerk of the Town of

Rockwell, have received notice of the petition to incorporate

Rimertown on the 5 day of October, 1998. This notice is in

accordance with N.C.G.S. 120-163.

Anne G. Moten, cmc

Harold C. Eanline et al, Mayor

I, Swannetta Fink, Town Clerk, of the Town of
Faith, have received notice of the petition to incorporate
Rimertown on the 5th day of October, 1998. This notice is in
accordance with N.C.G.S. 120-163.

Swannetta B. Fink
Job Markas Shores, Mayor

PROPOSED BUDGET
1999

REVENUES:

Ad Valorem Taxes	\$ 7,260
Franchise Taxes	2,500
Sales & Use Tax	1,400
Revenue Inventory Tax	150
Privilege Tax (12 businesses @ \$25;	<u>300</u>

Total Revenues

\$ 11,610

EXPENDITURES:

Attorney Fees	\$ 2,000
Insurance & Security Bond	2,000
NC League of Municipalities	320
Centralina Council of Government	350
Institute of Government	100
County Tax Collection Fee	110
Town Clerk Expenses	2,000
Social Security/Medicare	150
Telephone	200
Postage	200
Audit/Accountant Fees	1,000
Office Supplies/Equipment	1,500
Contingency Fund	<u>1,680</u>

Total Expenditures

\$ 11,610

NOTES:

- ▶ The tax value is based on .025 cents per \$100 valuation (real estate - \$25,349,200 and automobiles - \$4,135,286) less 1.5% non-collected funds;
- ▶ County tax collection fee is based on 1.5% of tax value;
- ▶ Postage is based on 176 residences X .33 X 4 mailings per year.

**Assessment of Petition
by
Rimertown
for
Incorporation**

Relative to NC G.S. 120-166.

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance staff has reviewed the petition for incorporation from Rimertown as it relates to NC G.S. 120-166. That section of the General Statute refers to the nearness of the proposed new 'Town of Rimertown' to other municipalities. Part (a) of that section sets criteria based on the nearness of the proposed new town to existing municipalities and their respective populations. Note that the General Statute requires that the population values be in accordance with the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census. These relationships are presented in the following table.

Critical Distance	Population of Neighboring Municipality
1 mile	5,000 to 9,999
3 miles	10,000 to 24,999
4 miles	25,000 to 49,000
5 miles	50,000 and over

There are no municipalities within one (1) mile of the proposed new town that have a 1990 Census population of at least 5,000. There are no municipalities within three (3) miles of the proposed new town that have a 1990 Census population of at least 10,000. Kannapolis (1990 Census population 29,696), Concord (1990 Census population 27,347), Rockwell (1990 Census population 1,598) and Mount Pleasant (1990 Census population 1,027) are within four (4) miles of the proposed new town. Kannapolis and Concord meet the 25,000 threshold. There are no municipalities within five (5) miles of the proposed new town that meet the 50,000 threshold.

The proposed new Town of Rimertown is not entirely on an island so Subsection (b)(1) does not apply. Nor is there evidence of any major rivers or natural barriers that separates Rimertown from the cities noted above. Therefore Subsection (b)(2) does not apply. Finally, the petition indicated no evidence that Subsection (b)(4) applies (a petition for annexation to nearby city that was not approved).

Please note that the metes and bounds description and map presented in the petition were not completely consistent. Also, the information currently available to DCA was not sufficient to confirm any of the inconsistencies. A metes and bounds description is attached to this report. **Bold text that is underlined** in the attachment highlights areas of concern. Please also note that none of those concerns highlighted in the metes and bounds attachment materially affect the outcome of this assessment of the petition relative to NC G.S. 120-166.

According to NC G.S. 120-166., the Commission is precluded from making a positive recommendation unless both the City of Kannapolis and the City of Concord (in accordance with NC G.S. 120-166.(b)(3)) express their approval of the incorporation by resolution.

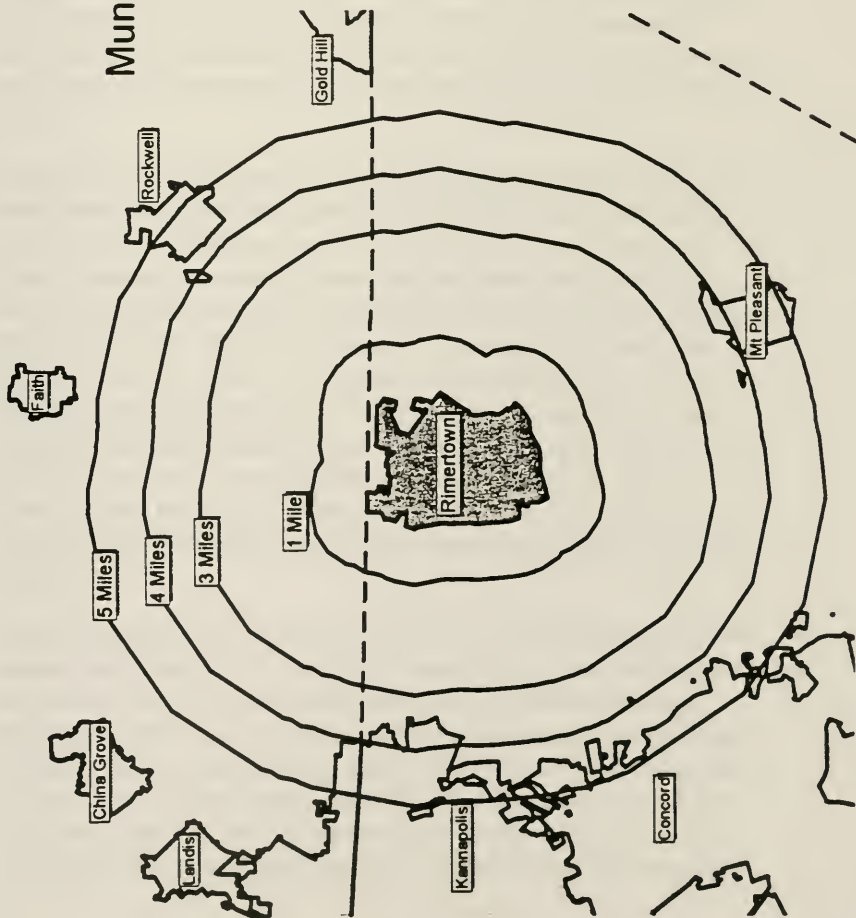
Information sources: The foregoing assessment was based on information contained in the petition, GIS data provided by Cabarrus County and the most recently updated DOT GIS data that was provided by NC CGIA. A buffer analysis (an ArcView GIS utility) was performed on the proposed boundary that was presented on the map attached to the petition. The 1990 population values were retrieved from the US Census Bureau web site (<http://www.census.gov/cgi-bin/gazetteer>)

Note: 1

§ 120-166. Additional criteria; nearness to another municipality.

- (a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.
- (b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:
- (1) The proposed municipality is entirely on an island that the nearby city is not on;
 - (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;
 - (3) The nearby municipality by resolution expresses its approval of the incorporation; or
 - (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved. (1985 (Reg. Sess., 1986), c. 1003, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 25.)

Rimertown Area Cabarrus County Municipal Incorporation Study Phase 1



Legend

- Rimertown Area
- City Limits
- County Boundary

2.5 0 2.5 Miles



Map prepared 01/19/99

CHAPTER 1. INCORPORATION AND CORPORATE POWERS.

Section 1-1. Incorporation and Corporate Powers. The inhabitants of the town of Rimertown, which area is described in Section 2.1 of this Charter, are a body corporate and politic under the name "Town of Rimertown." Under that name they have all the powers,, duties, rights,, privileges and immunities conferred and imposed on cities by the general law of North Carolina

CHAPTER 11. CORPORATE BOUNDARIES Section 2-1. Town boundaries Until modified in accordance with the law, the boundaries of the town of Rimertown are as follows:

BEGINNING at a point in the centerline of Gold Hill Road (SR 2408) due south of the centerline of Rimer Road (SR 2429), thence in a east northeast direction to the intersection of the centerline of Gold Hill Road (SR 2408) and Cline School Road (SR 2427), thence in a northeasterly direction to a point approximately 697 feet northeast of the centerline of Jennie Wolf Creek, being the northeast corner of property described by Cabarrus County Tax Maps as Map/PIN 5662-47-1320.

Continuing in a northwest direction along the northern property line of Map/PIN 5662- 47-1320 for approximately 815.83 feet, crossing Jennie Wolfe Creek at approximately 500 feet, thence in a northeasterly direction for approximately 300 feet to the centerline of Jennie Wolfe Creek. Thence continuing in a west-northwest direction along Jennie Wolfe Creek, the creek being showed property lines with the following Map/PINs 5662-37-0824 and 5662-38-8375, 5662-29-9245 and 5662-48-2832 and 5662-49-6146, 5663- 21-5019 and 5662-49-6146, 5662-49-8551, to the northern most point in Map/PIN 5662- 59-2563 in the centerline of Jennie Wolfe Creek, thence in a southeast direction to the southernmost point in Map/PIN 5663-32-4457. Thence in a northeast direction along the eastern boundaries of Map/PINs 5663-32-4457, 5663-23-6175, 5663-34-2252 and 5663- 26-4073 to the southeast corner of Map/PIN 5663-26-4073, thence in a northwest direction from that corner to a point in the centerline of Jennie Wolfe Creek, continuing with the centerline of Jennie Wolfe Creek in a northeast direction to the centerline of Klutz Road (SR 2435).

Continuing in a southwest direction with Klutz Road (SR 2435) for approximately 100 feet to the southeast corner of Map/PIN 5663-46-6452, thence in a northerly direction to the northeast corner of Map/PIN 5663-46-6452. Thence in a northwest direction to the northernmost corner of Map/PIN 5663-46-0501, thence in a southerly direction along the western line of Map/PIN 5663-46-0501 to a point in the centerline of Klutz Road (SR 2435), thence with the centerline of Klutz Road (SR 2435) for a distance of approximately 513 feet to a 15 foot wide portion of Map/PIN 5663-45-2340, crossing that portion to the corner of a portion of Map/PIN 5663-26-8734, thence in a line parallel to the 15 foot portion of Map/PIN 5663-26-8734 for a length of approximately

200 feet in a southeasterly direction, thence in a southwesterly direction for a distance of approximately 200 feet,

thence in a northwesterly direction for approximately 220 feet to the centerline of Klutz Road (SR 2435).

Continuing from that point in the centerline of Klutz Road (SR 2435) in a northwesterly direction along the northeast property line of Map/PIN 5663-26-4073, passing through a line shared with Map/PIN 5663-16-9741 to a point in the eastern property line of Map/PIN 5663-07-9409, thence in a northeasterly direction with the property line of Map/PIN 5663-07-9409 to a point in the property line of Map/PIN 5663-19-7038. Thence with a line shared by Map/PINs 5663-19-7038, 5663-26-8734, 5663-39-3485, 5663-26-8734, and 5663-28-9179 to the point of Map/PIN 5663-28-9179 in Sisk-Carter Road (SR 2434), thence in a southwesterly direction following the eastern line of a portion of Map/PIN 5663-93-3485 south of Sisk-Carter Road (SR 2434) for approximately 500 feet, thence with the southern line of Map/PIN 5663-93-3485 to the easternmost corner of Map/PIN 5663-58-1098 south of Sisk-Carter Road (SR 2434), thence in a northeasterly direction along the eastern line of Map/PIN 5663-49-4299 for approximately 392 feet to the center of Sisk-Carter Road (SR 2434), continuing in that northeasterly direction 863 feet to the northeast corner of Map/PIN 5663-49-4299.

From that point continuing along a northwest line along the rear property lines of Map/PINs 5663-49-4299 and 5663-49-1428 to a point in Map/PIN 5663-39-9608 approximately 20 feet northwest of the corner shared by Map/PINs 5663-49-1428 and 5663-39-9608, thence in a northerly direction to the northeast corner of Map/PIN 5663-39-9608, thence in an easterly direction with a line shared by Map/PINs 5663-39-9608, 5663-39-4931, 5664-20-6147 and 5664-20-0783 to the centerline of an unnamed dirt road, thence following the northern line of Map/PINs 5664-20-2270, 5664-10-5149 and 5664-00-7187 to the centerline of Rimer Road (SR 2429).

Continuing with the centerline of Rimer Road (SR 2429) in a southerly direction to the western edge of Map/PIN 5653-99-9111, thence in a line shared by Map/PINs 5653-99-9111 and 5653-98-7998 to the northernmost point of Map/PIN 5653-98-7998, thence with the line of Map/PIN 5653-98-7998 for 5 calls to the centerline of Rimer Road (SR 2429), thence with the center of Rimer Road (SR 2429) to the easternmost point of Map/PIN 5653-98-4817, thence with the line of Map/PIN 5653-98-4817 in a northwesterly direction to the eastern line of Map/PIN 5653-88-7937, thence in a northeasterly line of Map/PIN 5653-88-7937 to the easternmost corner of the property, thence in a northwestern direction within the northern lines of Map/PINs 5653-88-7937 and 5653-89-4038 to the northwest corner of Map/PIN 5653-89-4038, thence in a Southwestern direction with the line shared by Map/PINs 5653-89-4038 and 5653-79-2735 to the northeast corner of Map/PIN 5653-89-1039, thence in a northeastern direction along the northern lines of Map/PINs

5653-89-1039 and 5653-79-7047 to the northwest corner of Map/PIN 5653-79-7047, thence in a southwesterly direction with the western line of Map/PIN 5653-79-7047 to the centerline of Phaniels Church Road (SR 2433).

Thence with the centerline of Phaniels Church Road (SR 2433) to a point where a 45' private right-of-way adjoins Phaniels Church Road (SR 2433) on the southern side of the road, thence with the 45' private right-of-way in a southern and western direction to the southwest corner of Map/PIN 5653-59-8350, thence in a northeasterly direction with the eastern line of Map/PIN 5653-59-8350 for a distance of approximately 398 feet to the centerline of Phaniels Church Road (SR 2433), thence returning in a southeasterly direction with the centerline of Phaniels Church Road (SR 2433) to the southeast corner of Map/PIN 5653-69-3781, thence in a northeasterly direction to the northeast corner of Map/PIN 5653-69-3781, thence in a northwestern direction with the northern line of Map/PIN 5653-69-3781 to the eastern line of Map/PIN 5654-80-0109, thence in a northwestern direction with the line of Map/PIN 5654-80-0109 to the northeast corner of Map/PIN 5654-80-0109, thence in a northwestern direction to the northwest corner of Map/PIN 5654-80-0109, thence in a northeast direction with the line of Map/PIN 5654- 50-6844 to the Rowan/Cabarrus County line, thence with the Rowan/Cabarrus County line to the centerline of Phaniels Church Road (SR 2433), continuing with the Rowan/Cabarrus County line to the northwest corner of Map/PIN 5654-40-2963, thence with the line shared by Map/PINs 5654-40-2963 and 5654-40-8423 to the southwest corner of Map/PIN 5654-40-8423, thence with the western line of Map/PIN 5653-27- 1609 for a distance of approximately 370 feet, thence in a Southwestern direction on a line shared by Map/PINs 5653-39-9318 and 5653-39-6273 for approximately 915 feet to the northeast corner of Map/PIN 5653-39-6273, thence in a southeasterly direction for approximately 109 feet to a point in Map/PIN 5653-39-6273, thence in a southwesterly direction with the western lines of Map/PINs 5653-39-6273 and 5653-38-3602 to the centerline of Pless Road (SR 2432).

Continuing in a easterly direction with the centerline of Pless Road (SR 2432) to the western edge of Map/PIN 5653-37-6074, thence with the property line of Map/PIN 5653- 37-6074 three different lines to the easternmost point of Map/PIN 5653-37-3965, thence in a westerly line with the southern line of Map/PIN 5653-37-6074 in a westerly direction to the westernmost part of Map/PIN 5653-37-6074, thence in a southeasterly direction with the line of Map/PIN 5653-37-6074 for approximately 100 feet to the northwestern corner of Map/PIN 5653-35-9469, thence in a southerly direction with the line of Map/PIN 5653-35-9469 to the centerline of Dutch Buffalo Creek, thence with the centerline of Dutch Buffalo Creek in a southerly direction with the centerline of Dutch Buffalo Creek being the western property lines with these Map/PINs 5653-35-9469, 5653-34-4556, 5653-32-4327, 5653-41-4938, 5653-40-5907, 5653-30-5169, 5652-39- 6735, 5652-39-6374, 5652-39-6060, and 5652-37-6977 to the southeast corner of Map/PIN 5652-37-

6977, thence with the southern line of Map/PIN 5652-37-6977 for a distance of approximately
1713 feet to a corner shared by Map/PIN 5652-37-6977 and Map/PIN 5652-46-2268
Continuing in a southeasterly direction with the line shared by Map/PINs 5652-46-2268 and 5652-
65-1952 to the easternmost point of Map/PIN 5652-46-2268, thence in a westerly direction with
the line of Map/PIN 5652-46-2268 to a point shared by the southwest corner of Map/PIN 5652-
46-2268 and the southwest corner of Map/PIN 5652- 56-3192, thence in an easterly direction with
the northern line of Map/PIN 5652-44-5766 to the northeast corner of Map/PIN 5652-44-5766,
thence in a southwesterly direction with the western property lines of Map/PINs 5652-55-2303,
5652-43-963 1, and 5652-54- 3175 to the centerline of Gold Hill Road (SR 2408) to the point of
BEGINNING.

RESOLUTION

WHEREAS, representatives of the Rimer community association have informed the Concord City Council that citizens of that community wish to incorporate the Rimertown area to include those individuals residing within the boundaries as outlined on the attached map; and

WHEREAS, under current North Carolina law, a town may be incorporated only by act of the North Carolina General Assembly subsequent to the review and recommendation by the Joint Legislative Commission on Municipal Incorporations; and

WHEREAS North Carolina General Statute 120-163 outlines the procedures that a community must follow in its efforts to incorporate, specifically a petition signed by 15 percent of the registered voters of the area proposed to be incorporated and verified by the Cabarrus County Board of Elections; and

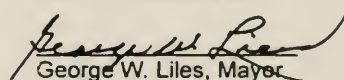
WHEREAS, North Carolina General Statute 120-163 further requires that the petition must include a proposed name of the city, a map of the city, a list of proposed services to be provided by the proposed Municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density and recommendations as to the form of government and manner of election; and

WHEREAS, the citizens of the Rimer community are aware of the process for incorporation and have stated they plan to submit the required petition and other necessary information to the North Carolina General Assembly for consideration during the 1999 Legislative Session.

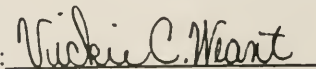
NOW, THEREFORE, BE IT RESOLVED that the Concord City Council supports the rights of the citizens of the Rimer community to pursue the incorporation of Rimertown through the process set forth by North Carolina General Statutes.

Adopted this the 8th day of October, 1998.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA


George W. Liles, Mayor

ATTEST:


Vickie C. Weant, City Clerk



RESOLUTION

WHEREAS, representatives of the Rimer community association have informed the Kannapolis City Council that citizens of that community wish to incorporate the Rimertown area to include those individuals residing within the boundaries as outlined on the attached map, and

WHEREAS, under current North Carolina law, a town may be incorporated only by act of the North Carolina General Assembly subsequent to the review and recommendation by the Joint Legislative Commission on Municipal Incorporations; and

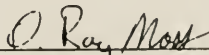
WHEREAS, North Carolina General Statute 120-163 outlines the procedures that a community must follow in its efforts to incorporate, specifically a petition signed by 15 percent of the registered voters of the area proposed to be incorporated and verified by the Cabarrus County Board of Elections, and

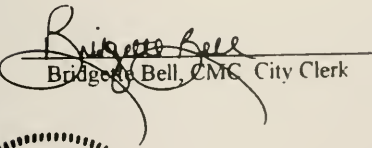
WHEREAS, North Carolina General Statute 120-163 further requires that the petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density and recommendations as to the form of government and manner of election, and

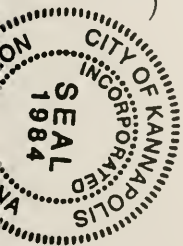
WHEREAS, the citizens of the Rimer community are aware of the process for incorporation and have stated their plan to submit the required petition and other necessary information to the North Carolina General Assembly for consideration during the 1999 Legislative Session

NOW, THEREFORE, BE IT RESOLVED that the Kannapolis City Council supports the rights of the citizens of the Rimer community to pursue the incorporation of Rimertown through the process set forth by North Carolina General Statutes.

Adopted this the 26th day of October, 1998.


O. Ray Moss, Mayor


Bridgette Bell, CMC City Clerk



**Assessment of Petition
by
Rimertown
(Cabarrus County)
for
Incorporation**

**Relative to NC G.S. 120-167.
through NC G.S. 120-170.**

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Rimertown relative to NC G.S. 120-167. through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167. Additional criteria: population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100. The petition indicates an estimated population of 417, which is well in excess of the minimum requirement. The Division of Community Assistance (DCA) performed a land use survey of the subject area. That survey identified 260 dwelling units in the subject area. The 1990 US Census Bureau data indicates an average of 2.59 persons per household and an occupancy rate of 95 percent. This suggests that 640 persons are likely to reside in those 260 dwellings. A population of 323 (as indicated in the petition) is a rather low estimate. Accordingly the 640 estimate will be used for this assessment. It appears that NC G.S. 120-167. is satisfied.

NC G.S. 120-168. Additional criteria: development.

NC G.S. 120-168. refers to development and requires that at least 40 percent of the area must be “developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.(1985 (Reg. Sess., 1986), c. 1003, s. 1.)”.

DCA used a land use survey combined with an analysis of assessment value relative to lot size to determine the degree of development. The survey considered parcels as “developed” if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. The assessment used a residential density minimum of 1 unit per 5 acres as developed for residential purposes.¹ Vacant parcels, forested parcels, or parcels where agricultural use was predominant were considered “undeveloped”. For large tracts that were only partially occupied by for commercial, industrial, institutional, or governmental uses the area estimated to be occupied by such uses was considered as developed.

Cabarrus County’s zoning data for the subject area identified no parcels that were currently dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants. Nor was there such evidence or claims presented in the petition.

DCA’s analysis indicated that 18 percent of the subject area is developed (see Table Exhibit 1 and Map A, Appendix A). It appears that NC G.S. 120-168. is not satisfied.

¹ Reference NC G.S. 160A-41.(2)

**Table Exhibit 1:
Development Relative to NC G.S. 120-168.**

Land Use	Acres
Commercial	8
Industrial	144
Institutional/Governmental	49
Residential	443*
Undeveloped	2,945
Total	3,590
Total Developed Acreage	644
% Developed	18%

*includes 90 acres that was restricted to residential and precluded from subdivision by covenants (see Appendix B).

NC G.S. 120-169. Additional criteria: area unincorporated.

NC G.S. 120-169. requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Rimertown with the most recently updated NC DOT geographic information system (GIS) data that was provided by NC CGIA and found no evidence that any of the subject area is part of any incorporated municipality. It appears that NC G.S. 120-169. is satisfied.

NC G.S. 120-170. Findings as to services.

NC G.S. 120-170 requires that the proposed municipality can provide, at a reasonable tax rate, the services requested by the petition and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. To help quantify this requirement DCA considered the gross assessment value of the proposed municipality as its tax base.² DCA compared the property tax rates, property assessment values, and property tax revenues of ten municipalities that have a population size similar to that of the proposed Town of Rimertown.

For fiscal year 1997-98 the average property tax rate and revenue for the comparison communities were \$0.44/\$100 assessment and \$87,232, respectively (see Table Exhibit 2). In order for the proposed Town of Rimertown to generate similar revenues it would have to levy a property tax rate of \$0.28/\$100 assessment (assuming a total assessment of \$32,402,680 and a collection rate of 97 percent).

² Please note that due to the large proportion of "undeveloped" land (agriculture, forestry etc.), the tax base may be significantly lower than the total of the assessments listed in the tax records. Time constraints made it impractical to perform an analysis of present-use exemptions from the tax base.

**Table Exhibit 2:
Property Tax Rate and Revenues Comparison**

Municipality	Population	Tax Rate/\$100 FY1997-98	Property Tax Revenue
Pink Hill	591	0.58	\$84,920
High Shoals	592	0.43	\$70,074
Ansonville	600	0.25	\$28,098
Banner Elk	608	0.50	\$159,969
Jamesville	625	0.70	\$74,462
Glen Alpine	582	0.44	\$98,383
Grover	647	0.29	\$90,397
Catawba	648	0.49	\$150,827
Aurora	660	0.45	\$74,206
Polkton	662	0.25	\$40,981
Average Tax Rate \$0.44/\$100			
Average Property Tax Revenue \$87,232			

The petition indicated that upon incorporation the proposed municipality intends to undertake local planning and zoning initiatives. Otherwise the proposed municipality initially intends to limit services to those that are currently provided by the County. The community intends to enter into agreements with local agencies to maintain and increase as necessary service provision. It is likely that the community could provide such services at a reasonable tax rate. It appears that NC G.S. 120-170. is satisfied.

Conclusion

Based on the forgoing, it appears that the proposed Town of Rimertown satisfies the North Carolina General Statutes 120-167, 120-169 and 120-170. However, it does not appear to satisfy NC G.S. 120-168. Additional criteria: development. Accordingly, if the Commission finds that it does not satisfy NC G.S. 120-168, the Commission may not make a positive recommendation on the incorporation of the proposed Town of Rimertown.

Information sources:




Petition for Incorporation of the Town of Rimertown
 1990 US Census Summary Table 1A (referenced 03/01/1999)
<http://www.census.gov/cgi-bin/datamap/cnty?37=025>
 Cabarrus County Tax Assessors Office, Tax Maps and 1998 Assessment Data.
 North Carolina League of Municipalities (referenced 03/01/1999)
<http://ncinfo.iog.unc.edu/NCLM/General/Reports/reports.html>
 North Carolina Office of State Treasurer (referenced 03/01/1999)
<http://www.treasurer.state.nc.us/frlgc.htmf>
 NC DOT GIS Data Layers, Distributed by NC CGIA (1998)

Map A
Appendix A



**Rimertown Area
Municipal Incorporation
Phase II Study**

Legend

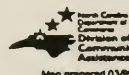
-  Rimertown Area
-  Developed Land
-  Undeveloped Land



0 2500 Feet



A horizontal scale bar with a solid black line and a break in the middle, representing a distance of 2500 feet.



Map prepared 03/91

Appendix B

